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20 SEP 2006

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CANADA

In re Application of	:	DECISION
SEMLYEN et al.	:	
Application No.: 10/550,759	:	
PCT No.: PCT/CA2004/000458	:	
Int. Filing Date: 26 March 2004	:	
Priority Date: 26 March 2003	:	
Attorney Docket No.: 13180-79	:	
For: DIAGNOSIS OF DISEASE BY	:	
DETERMINATION OF ELECTRICAL	:	
NETWORK PROPERTIES OF A BODY PART	:	

This decision is in response to applicants' petition to revive under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 07 August 2006.

**BACKGROUND**

On 26 March 2004, applicants filed international application PCT/CA2004/000458, which designated the U.S. and claimed a priority date of 26 March 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 07 October 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 September 2005.

On 26 September 2005, applicants filed a transmittal letter for entry into the national stage in the United States. However, no fees accompanied the transmittal letter.

On 15 June 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to provide the U.S. Basic National Fee by thirty months from the earliest priority date.

On 07 August 2006, applicants filed the instant petition to revive under 37 CFR 1.137(b) and an assertion of small entity status

**DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;

- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the U.S. Basic National Fee on 07 August 2006.

As to item (2), applicant submitted the petition fee on 07 August 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

#### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.



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